

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**OHIO COUNTY COMMISSION, et al.,**

Plaintiffs,

**VS.**

**EXPRESS SCRIPTS, INC., et al.**

Defendants.

Case No. 5:24-CV-142

Judge John Preston Bailey  
United States District Judge

**NOTICE OF VOLUNTARY PARTIAL DISMISSAL**  
**WITHOUT PREJUDICE OF THE OPTUM DEFENDANTS**  
**PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**

**PLEASE TAKE NOTICE** that Plaintiffs Ohio County Commission, City of Wheeling, Marshall County Commission, City of Moundsville, Brooke County Commission, Hancock County Commission, City of Chester, City of New Cumberland, City of Weirton, Wetzel County Commission, Tyler County Commission, Town of Whitesville, City of Madison, City of Milton, City of Montgomery, Town of Gauley Bridge, City of Smithers, Town of Rainelle, City of White Sulphur Springs, Town of Rupert, Town of Belle, Town of Chesapeake, City of St. Albans, Town of Clendenin, City of South Charleston, City of Nitro, City of Dunbar, City of Logan, City of Huntington, Town of Sophia, Wood County Commission, City of Parkersburg, City of Williamstown, Jackson County Commission, City of Ravenswood, City of Ripley, Roane County Commission, City of Spencer, Wirt County Commission, Town of Elizabeth, Town of Eleanor, City of Winfield, City of Hurricane, City of Princeton, City of Bluefield, City of Richwood, Pleasants County Commission, City of St. Marys, Ritchie County Commission, Town of

Harrisville, Calhoun County Commission, Braxton County Commission, Town of Sutton, Nicholas County Commission, City of Summersville, Doddridge County Commission, Harrison County Commission, Lewis County Commission, Monongalia County Commission, Town of Granville, Randolph County Commission, Gilmer County Commission, Upshur County Commission, City of Buckhannon, Marion County Commission, and Town of Romney, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismiss *without prejudice* all claims asserted against Defendants Optum, Inc., OptumInsight, Inc., OptumInsight, Inc. f/k/a/ Ingenix, Inc., OptumInsight Life Sciences, Inc., OptumInsight Life Sciences, Inc. f/k/a QualityMetric, Inc., OptumRx Discount Card Services, LLC, OptumHealth Care Solutions, LLC, Optum Health Networks, Inc., UnitedHealth Group Incorporated, UnitedHealth Group, Inc., OptumRx, Inc., Optum Perks, LLC, OptumHealth Holdings, LLC, and Optum RX (collectively hereinafter “the Optum Defendants”).

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

**(a) Voluntary Dismissal.**

**(1) *By the Plaintiff.***

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

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Here, Defendants have neither answered Plaintiffs’ operative Complaint, nor filed a motion for summary judgment. Accordingly, Plaintiffs’ claims against the Optum Defendants may be dismissed without prejudice and without an Order of the Court.

This Notice applies only to Plaintiffs’ claims against the Optum Defendants and Plaintiffs’ claims against the Express Scripts Defendants remain pending and active.

The Motion to Dismiss (Doc. 105) is  
DENIED AS MOOT.

**DATED:** April 30, 2025

It is so **ORDERED**.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**

Respectfully submitted,

**OHIO COUNTY COMMISSION,  
CITY OF WHEELING,  
MARSHALL COUNTY COMMISSION,  
CITY OF MOUNDSVILLE,  
BROOKE COUNTY COMMISSION,  
HANCOCK COUNTY COMMISSION,  
CITY OF CHESTER,  
CITY OF NEW CUMBERLAND,  
CITY OF WEIRTON,  
WETZEL COUNTY COMMISSION,  
TYLER COUNTY COMMISSION,  
TOWN OF WHITESVILLE,  
CITY OF MADISON,  
CITY OF MILTON,  
CITY OF MONTGOMERY,  
TOWN OF GAULEY BRIDGE,  
CITY OF SMITHERS,  
TOWN OF RAINELLE,  
CITY OF WHITE SULPHUR SPRINGS,  
TOWN OF RUPERT,  
TOWN OF BELLE,  
TOWN OF CHESAPEAKE,  
CITY OF ST. ALBANS,  
TOWN OF CLENDENIN,  
CITY OF SOUTH CHARLESTON,  
CITY OF NITRO,  
CITY OF DUNBAR,  
CITY OF LOGAN,  
CITY OF HUNTINGTON,  
TOWN OF SOPHIA,  
WOOD COUNTY COMMISSION,  
CITY OF PARKERSBURG,  
CITY OF WILLIAMSTOWN,  
JACKSON COUNTY COMMISSION,  
CITY OF RAVENSWOOD,**

**CITY OF RIPLEY,  
ROANE COUNTY COMMISSION,  
CITY OF SPENCER,  
WIRT COUNTY COMMISSION,  
TOWN OF ELIZABETH,  
TOWN OF ELEANOR,  
CITY OF WINFIELD,  
CITY OF HURRICANE,  
CITY OF PRINCETON,  
CITY OF BLUEFIELD  
CITY OF RICHWOOD,  
PLEASANTS COUNTY COMMISSION,  
CITY OF ST. MARYS,  
RITCHIE COUNTY COMMISSION,  
TOWN OF HARRISVILLE,  
CALHOUN COUNTY COMMISSION,  
BRAXTON COUNTY COMMISSION,  
TOWN OF SUTTON,  
NICHOLAS COUNTY COMMISSION,  
CITY OF SUMMERSVILLE,  
DODDRIDGE COUNTY COMMISSION,  
HARRISON COUNTY COMMISSION,  
LEWIS COUNTY COMMISSION,  
MONONGALIA COUNTY COMMISSION,  
TOWN OF GRANVILLE  
RANDOLPH COUNTY COMMISSION,  
GILMER COUNTY COMMISSION,  
UPSHUR COUNTY COMMISSION,  
CITY OF BUCKHANNON,  
MARION COUNTY COMMISSION, and  
TOWN OF ROMNEY, *Plaintiffs***

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